

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION (KNOXVILLE)**

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| CIC SERVICES, LLC, et al. | : | |
| | : | CASE NO. 3:17-cv-00110-TRM-HBG |
| <i>Plaintiff,</i> | : | |
| | : | CHIEF JUDGE TRAVIS R. McDONOUGH |
| v. | : | |
| | : | |
| INTERNAL REVENUE | : | UNOPPOSED NOTICE OF WITHDRAWAL OF |
| SERVICE, et al., | : | PLAINTIFF'S MOTION FOR ATTORNEY FEES |
| | : | (DOC. 127) |
| <i>Defendants.</i> | : | |

Plaintiff hereby withdraws its Motion for Attorney Fees (Doc. 127). The IRS's pending Rule 59 motion and the Government's suggestion that it may appeal will necessitate a subsequent or amended filing for fees and costs. In the interests of judicial economy, CIC Services hereby withdraws its Motion for Attorney Fees without prejudice to later refiling. This is in harmony with Sixth Circuit's precedent. See *Feldpausch v. Heckler*, 763 F.2d 229 (6th Cir.1985)(holding that motions for fees under the EAJA should be filed "within 30 days of the expiration of the time to appeal."); accord *Hicks v. Comm'r of Social Sec.*, E.D.Ky. No. 5:16-cv-130, 2019 U.S. Dist. LEXIS 201781, at *11 (Nov. 18, 2019), fn. 3 (observing that, when the Government is a party, a plaintiff has ninety days from whenever the judgment is final to file their fee motion); accord *Townsend v. Commissioner*, 415 F.3d 578, 581 (6th Cir. 2005)(EAJA motions for fees are to be filed 30 days after a judgment becomes unappealable).

Counsel for the Government has stated their non-opposition to this withdrawal and Plaintiff's anticipated filing of a later motion for attorney fees (subject to the time periods imposed by the EAJA and applicable law).

Date: April 29, 2022

Respectfully submitted,

s/ Kenneth A. Lazarus

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on this 29th day of April, 2022, I electronically filed the foregoing using the CM/ECF system which will provide copies of such filing to counsel of record for Defendants.

s/ Adam R. Webber

Adam R. Webber
Counsel for Plaintiff